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10/555,724	07/06/2006	Bjorn de Bonnenfant	5092-053368	2035

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EXAMINER

OBAYANJU, OMONIYI

ART UNIT	PAPER NUMBER
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4163

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/555,724	Applicant(s) BONNENFANT, BJORN DE	
	Examiner OMONIYI A. OBAYANJU	Art Unit 4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/10/2007, 2/26/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 22, 24, 31, 32, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamauchi (US Publication No. 20030115095).

3. As to claims 22 and 37, Yamauchi teaches a method for providing a system that is operated by a first party (fig. 1, #3) with position information from a mobile unit (pg. 3, pp 0062) provided with a unique identity (pg. 1, pp0018, lines 8-9) and belonging to a second party (fig. 1, #4), the first party providing a service that is dependent of the position of the mobile unit (pg. 3, pp 0062), the second party activating the use of the service (pg. 3, pp 0055, lines 10-15), the method comprising the steps of: sending a signal from the mobile unit via a cellular communication network (pg. 2, pp0047 and 0049), when the second party activates the use of the service, to a toll number associated with a certain charge (pg. 3, pp 0067), the signal comprising information regarding the identity of the mobile unit and position indication provided by the cellular communication network depending on which cell the mobile unit is present in, each cell within the cellular communication network (pg. 3, pp 0062) defining a geographic area

(gate1 – gate 2); and debiting said charge from an account connected to the mobile unit and said second party(pg. 6, pp 0103).

4. As to claim 31, Yamauchi teaches wherein information in the signal, which is sent when the second party (fig. 1, #4) activates the service, is forwarded to a party that provides the service (pg. 3, pp0062).

5. As to claim 24, Yamauchi teaches wherein the signal that is sent from the mobile unit is sent in the form of a SMS (pg. 2, pp0049, lines 7-10).

6. As to claim 32, Yamauchi teaches wherein the service that is provided is a personal alarm service (pg. 2, pp0050, lines 1-4).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 25-28, 30, 33-35, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi (US Publication No. 20030115095) in view of Ikeda (US Publication No. 20020067291).

9. As to claim 25, Yamauchi teaches the limitations of claim 22 as discussed above. However Yamauchi fails to teach mobile unit provided with a list of cells which are part of the toll zone as claimed. Ikeda teaches wherein said service is connected to a toll system (fig. 1, #8), the mobile unit is provided with a list of which cells in the cellular communication network are a part of a toll zone (pg. 2, pp0031, lines 5-12), said service

activated and a debit entry of a toll charge performed when the mobile unit (fig. 2) moves into one of said cells (fig. 1, #3) from a cell that is not on the list, moves within at least one cell on the list (fig. 1, Zone A), or any combination thereof. Thus, it would have been obvious to one of ordinary skill in the art at time invention was made to combine the toll collection system of Yamauchi with the cell zone distribution of Ikeda to achieve a total coverage of easy communication between the transmitter and the receiving unit.

10. As to claim 26, Yamauchi teaches wherein when only a single charge is debited when the mobile unit moves into the toll zone (pg. 1, pp0011, lines 1-3), the second party (Server) is credited the single charge fully or partially if the mobile unit leaves the toll zone within a predetermined time period (pg. 2, pp0021, lines 5-10).

11. As to claim 27, Yamauchi teaches wherein a time based charge is debited to the second party dependent on how long the mobile unit has been present within at least one cell on the list (pg. 4, pp0078, lines 1-5) and single charge is debited when the mobile unit moves into the toll zone, the second party is credited the single charge fully or partially if the mobile unit leaves the toll zone within a predetermined time period (pg. 4, pp0077).

12. As to claim 28, Yamauchi teaches the limitations of claim 27 as discussed above. However Yamauchi fails to discuss sub-division of zones. Ikeda teaches different zones in a toll zone. Thus, it would have been obvious to one of ordinary skill in the art at time invention was made to combine the teachings of Yamauchi with the teachings of Ikeda

to achieve a constant and a perfect communication connection between the transmitter and the receiver over a long distance.

13. As to claim 30, Yamauchi teaches the toll zones are excluded from generating a debit entry when the mobile unit is present thereby arranging special transmitters at suitable locations (pg. 5, pp0090 and pp0092 lines 1-5).

14. As to claims 33 and 41, Yamauchi teaches the limitations of claims 31 and 37 as discussed above. However Yamauchi fails to teach a tracking service and automatic update. Ikeda teaches tracking of truck and freight location (pg. 3, pp0053, lines 1-8) and automatic and manually activation of terminal (pg. 2, pp0034, lines 1-7). Thus, it would have been obvious to one of ordinary skill in the art at time invention was made to combine the teachings of Yamauchi with the teachings of Ikeda to achieve a constant communication link for transmitting signals information and location information in a communication network.

15. As to claim 34, Yamauchi teaches wherein the mobile unit is activated at regular intervals (pg. 2, pp0050).

16. As to claim 35, Yamauchi teaches wherein the service for the mobile unit may be initiated by sending a message to the unit (pg. 2, pp0049, lines 4-10).

17. As to claim 38, Yamauchi teaches the limitations of claim 37 as discussed above. However Yamauchi fails to discuss list of cells in the communication network of the toll region. Ikeda teaches multiple cells and zones in the turnpike (fig. 1, #3). Thus, it would have been obvious to one of ordinary skill in the art at time invention was made to combine the teachings of Yamauchi with the teachings of Ikeda to achieve a constant

communication link for transmitting signals information and location information in a communication network over a long distance.

18. Claims 29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi (US Publication No. 20030115095) in view of Ikeda (US Publication No. 20020067291) further in view of Sorokine (US Publication No. 20020168982)

19. As to claims 29 and 39, Yamauchi teaches the limitations of claims 25 and 38 as discussed above. Ikeda teaches updating and renewing the car location in the service area (pg. 3, pp0044). However Yamauchi and Ikeda failed to discuss updating the cell list by sending an SMS to the mobile unit. Sorokine teaches transmitting a base station list update SMS to a wireless communication device (abs, Sorokine teaches transmitting a message which is equivalent to an SMS). Thus, it would have been obvious to one of ordinary skill in the art at time invention was made to combine the teachings of Yamauchi and Ikeda with the teachings of Sorokine to achieve a constant and a perfect communication connection between the transmitter and the receiver over a long distance.

20. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi (US Publication No. 20030115095) in view of Ikeda (US Publication No. 20020067291) further in view of Irvin (US Patent No. 6556819).

21. As to claim 36, Yamauchi and Ikeda teaches the limitations of claim 33 as discussed above. However, they failed to teach at least an external sensor which activates alarm. Irvin teaches a mobile telephone with motion detector that alarms upon change in location (col. 1, lines 20-22). Thus, it would have been obvious to one of

ordinary skill in the art at time invention was made to combine the teachings of Yamauchi and Ikeda with the teachings of Irvin to achieve a wireless device that is capable of efficiently detecting a change or movement of the device in a communication network.

22. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi (US Publication No. 20030115095) in view of Irvin (US Patent No. 6556819).

23. As to claim 40, Yamauchi teaches the limitations of claim 37 as discussed above. However, Yamauchi fails to teach a mobile unit with an alarm button to activate the service. Irvin teaches a mobile telephone with motion detector that alarms upon change in location (col. 1, lines 20-22, Irvin teaches a motion detector to activate an alarm which is equivalent to an alarm button). Thus, it would have been obvious to one of ordinary skill in the art at time invention was made to combine the teachings of Yamauchi and Ikeda with the teachings of Irvin to achieve a wireless device that is capable of efficiently detecting a change or movement of the device in a communication network.

24. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi (US Publication No. 20030115095) in view of Eizenhofer (US Patent No. 5933114).

25. As to claim 23, Yamauchi teaches the limitations of claim 22 as discussed above. However, Yamauchi fails to teach the GSM communication network. Eizenhofer teaches the communication network is a GSM network (fig. 1, #1). Thus, it would have been obvious to one of ordinary skill in the art at time invention was made to combine the

teachings of Yamauchi with the network teachings of Eizenhofer to achieve a common communication system for implementing the same services provider for easy transition.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMONIYI A. OBAYANJU whose telephone number is (571)270-5885. The examiner can normally be reached on Mon - Fri, 7:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on 571-272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./
Examiner, Art Unit 4163

/Mark A. Robinson/
Supervisory Patent Examiner, Art Unit 4163